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V I E W
OF THE
POLICY AND METHODS
OF
GOVERNMENT
ESTABLISHED IN THE
UNITED PROVINCES;
PARTICULARLY IN HOLLAND.

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TOILEY AND METHODS

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OF THE
POLICY AND METHODS OF GOVERNMENT
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THE United Provinces do not form one single Republic, but are a confederacy of seven distinct States, each retaining her proper sovereignty, but united together, for their common and reciprocal defence, to throw off the yoke of royalty, and maintain themselves in an independency of all other powers. Each of these provinces contains several towns, who, as so many little states, possess likewise within themselves, several parts of sovereign power. Thus, as the States-general can neither make peace nor war, form alliances, or levy money upon the confederate body of the union, without the express consent of each province; neither have the Provincial States power to conclude any

one of these points, without the unanimous concurrence of all the towns, who have a right to depute to their assembly.

TOWN GOVERNMENT.

THE supreme authority of the towns is lodged in their respective senates, or town councils. — Each city has her distinct laws, customs, and privileges. The number of senators is not the same in all the cities; the senate of Amsterdam * consists of thirty-six members, part of whom have the direction of political affairs, and others the administration of justice. The dignity of senator is for life, unless forfeited by mal administration, or given up by a voluntary resignation of burgeship, or a removal of habitation. Sir William Temple, and after him, Monsieur le Clerc, are of opinion, that the senate was formerly elected by a majority of all the burgesses of the town, but that to avoid the confusion inseparable from large assemblies, and I may add, for other secret reasons, the magistrates of a certain city of Holland, so ordered the business, that the people in a general assembly gave up their right of election; since which time the senators have filled up all vacancies in their own body: and this example has been followed by all the other towns of the province. Monsieur B * *

* Amsterdam is the most considerable trading town of the United Provinces. The Bank of Amsterdam is thought to be inexhaustibly rich, and is under an excellent direction; it is said, by Sir William Temple, to contain the greatest treasure, either real or imaginary, that is known any where in the world. What may seem a paradox is, that this bank is so far from paying any interest, that the money in it is worth somewhat more than current cash is, in common payment. Mr. Anderson supposes, that the cash, bullion and pawned jewels in this bank, which is kept in the vaults of the Stadthouse, amount to thirty-six (though others say only to thirty) millions sterling.

on the contrary tells us, there are no traces to be found in the antient chronicles of any popular election, and that William the Monk of Egmont, who speaks so often of the town councils of Holland, and those that governed them in the twelfth and thirteenth centuries, makes no mention of this privilege of the people. It is not very material for us to ascertain which of these opinions is true. Possibly the first is so, and Monsieur B * * may have thought it prudent to own the latter, rather than appear to favour a sentiment which seems to charge his masters with a considerable usurpation upon the right of the subject. But be this as it will, the senate alone has at present the power to fill up vacancies, and direct all other affairs with a supreme and absolute authority, independent of the people ; agreeable to this the burgomasters and schepens or sheriffs of every city, are chosen by its respective senate ; the first are always part of its own body ; and to become burgomaster, it is required to have served the office of sheriff. There are twelve burgomasters in Amsterdam, four of whom have the administration of affairs, and are from thence called *reigning* or *regent burgomasters*. Of these, three are changed annually, and the fourth continues in function a second year to instruct the new comers. He likewise presides for the first quarter, and then gives place to his colleagues, who, in the same manner, preside three months alternately till the year is finished ; which method, though by experience found ineffectual for the purpose, was at first very prudently established with a design to prevent any single person's acquiring too great an authority. The regent burgomasters represent the majesty of the government, and have really all the force of it in their hands. Their salary to appearance is inconsiderable indeed ;

but they have the absolute disposal of all posts that become vacant during their administration, as well as of the public treasure and revenue of the town. And to prevent all contention and animosity about the donation of places, they generally agree that each of them, in his turn, shall dispose absolutely of all those that become vacant during the three months that he is president.

In them is lodged the power to admit strangers into the freedom and burghship of their towns, and to banish those whom they think proper, without any previous process, or assigning any cause or reason for so hard a procedure. Nor can the provincial court of justice issue any mandate against such an act of banishment or proscription; neither does there in reality lie any appeal even to the states themselves; but when complaints of this nature have been brought before them, the magistrates have found themselves obliged, in common decency as well as justice, to assign the reasons that determined them to so great a severity.

However, as this may perhaps appear inconsistent with the liberty and maxims of a republic, I shall cite the following examples from an author, who cannot be suspected of partiality.

“ The magistrates of Dort having, in the year
“ 1676, forbid certain persons to enter their city,
“ these addressed the states, who ordered them,
“ first to obey the magistrates, and then permitted
“ them to exhibit their complaints.

“ Nine years afterwards, the same town of Dort,
“ having banished two brothers, Messieurs Vander
“ Myle, they demanded satisfaction from the
“ states, who resolved to write to the town of
“ Dort, in order to be informed of the fact, and
“ to know what the magistrates had to offer, be-
“ fore they would proceed to reinstate them.

“ In

“ In 1618, two burgesles of Harlem having
 “ been banished, they petitioned the high court
 “ of justice, in order to be re-established in their
 “ country, from whence, they said, they had been
 “ unjustly expelled. The town justified her conduct
 “ by a public writing, and upon this it was resolv-
 “ ed, that those, who for the future, should upon
 “ such occasions address themselves to the court
 “ of justice, should be referred to the states of the
 “ provinces, or to their deputies *ad interim*, until
 “ the states should assemble.”

Thus far Monsieur Basnage. But if the city magistrates are in some measure obliged to justify acts of banishment, there are other kinds of punishment, and those too, out of the common course of ordinary justice, which they inflict by virtue of the power derived from their legislative capacity; without the least reference to the states of the province.—Thus, at Amsterdam, in 1712, the burgomasters had very lately condemned an advocate to perpetual imprisonment, for having defended his client with too great a liberty, in a cause that affected the interest and authority of the government. Perhaps the candid and impartial reader will interpret the behaviour of that unhappy pleader, into an honest boldness, rather than too licentious a freedom; but supposing the worst, it is hard to imagine any degree of liberty of speech, used at the bar, that could deserve so severe a treatment, utterly inconsistent with that modesty that ought always to be observed in the government of a republic, as well as the natural freedom of mankind.

The disposition of the public money is regulated by a majority of the burgomasters regents, who are the only judges of what is for the advantage, safety, or magnificence of the city. But this is not all;

all; they demand a previous communication of all propositions that are designed for the deliberation of the senate, which they either reject or accept, as they think proper; for these gentlemen claim a privilege of judging of the fitness of all subjects, of which there is a notable instance in the person of William the Second Prince of Orange, upon the refusal of the town of Amsterdam made to admit him to an audience in full senate.

“ If any person (say they) has a proposition of
 “ importance to make, and demands audience of
 “ the senate, the law directs, that he should address himself to the burgomasters, and make
 “ them acquainted with his design, that they may
 “ judge whether the audience ought to be granted
 “ or not.”

From this previous communication of affairs to the burgomasters, it is in a manner evident that they are virtually masters of every thing that relates to the city independently of the senate; since they have it in their power absolutely to reject whatsoever displeases them, and will certainly never bring a point into debate when they are not sure to carry the question. The town-councils of Holland are of a very ancient institution. Even in the time of the Counts there was a set of men in every city, elevated to a certain degree above their neighbours, who had an eye to the security of the government, and regulated the taxes that were levied for the service of the public. The authority of these councils was very much strengthened by Charles V. in his perpetual edict of 1540, where that great emperor ordains that in their elections no regard should be had to consanguinity, or other private motives; but that persons should be chosen eminent either for birth or merit; and that instead of preferring men that would incur the contempt

tempt of the people by any weakness in their conduct, they should even depose such after they were elected.

The schepens or sheriffs make the chief court of justice in each city. In Amsterdam there are nine, of whom seven are elected annually, and two remain a second year, as in the instance of the burgomasters. For this election the senate names fourteen persons, of whom the burgomasters choose seven; and as those have the direction of political affairs, so the sheriffs have the administration of justice, both civil and criminal: But before they condemn a person to death, they always ask the advice of the burgomasters upon the merits of the cause, without being obliged, however, to acquiesce in their opinion, and they sometimes give judgment contrary to it: But there lies an appeal from their sentence, as well in criminal as civil causes, to the high court of the province.

Where the punishment is capital, not only the proof of the crime is required to be extremely evident, but the prisoner himself must confess it.—Indeed, they employ the rack and other tortures, in order to extort confession, which human nature can very hardly bear up against: Yet some there have been who have suffered all the pains they could inflict with wonderful constancy. And upon this occasion, the reader will not be displeased if I give him a short story which every traveller is told in Holland, of a notorious delinquent, named *Jacques* or *Jacquo*; who, from the variety of his offences, his behaviour upon his trial, and his resolution in bearing every torture without owning any thing, became the subject of all conversation. The late Czar of Muscovy was then at Amsterdam, and though there was little appearance of success, yet ambitious perhaps of prevailing by his eloquence,
where

where the rack had been ineffectual ; he thought fit to visit the prisoner, and promised to intercede for his pardon, upon condition he would confess to him. The story end thus, that Jacquo heard his Majesty attentively, and then asked him, if he could keep a secret ? To which the Czar having answered, Yes ; the other replied, So can I too ; and turned away immediately. The reader will be apt to wish him his pardon ; but his crimes were of so heinous a nature, and so fully proved, that the magistrates dispensed with his confession, and broke through the ordinary methods of justice to execute him. The election of sheriffs is managed pretty much in the same manner in all the cities of Holland, except Rotterdam, where the members of the senate draw lots who shall elect them.

I must not omit to mention another court of justice, inferior to that of the *schepens*, which seems extremely well calculated for the ease and relief of the subject. This board consists of eight or ten members, stiled *peace-makers*, who are generally young gentlemen of the city, with one experienced magistrate at the head of them. They take cognizance of civil causes, to the amount of a certain sum, which I think, is about fifty pounds sterling. The method of proceeding is by way of citation. The creditor summons his debtor to appear ; and after the fact has been stated, and both sides heard, the peace-makers determine what ought to be done, and order the parties to comply with it ; but there lies an appeal from their decision to the *schepens*.

After the burgomasters, the office of greatest weight and authority in the cities, is that of *schout*, or bailiff. This person is entrusted with the government of the several hospitals : the orphans, lunatics, and other poor, are committed to his care ; and he alone appoints the managers and
inspectors

inspectors of these poor people. It is his business to prevent all disorders in the town: He only receives informations, takes cognizance of all crimes, seizes and commits the offenders to prison, prosecutes them before the sheriffs, and is charged with the execution of the sentence. He has likewise the right of appealing from the decision of the sheriffs, to the provincial high court, whenever he thinks their sentence too favourable to the prisoner. He is, if I may be allowed the expression, the first minister of the law; and it is of the utmost importance to the subject, that this office should be executed by a person of worth and integrity: for as the schouts are the only officers whose immediate duty it is to prosecute offences of every kind committed against the civil magistrate, so it is notorious that they often exercise a privilege of commuting with offenders, even when the crimes are of the blackest dye; and for money, the prosecution shall be dropped, or if the affair has taken wind, the indictment shall be laid in such terms as leave the party room to evade it: and by such practices this office is amongst the most lucrative in the country. It is impossible this should escape the notice of the senators, but as they may all expect to be schout in their turns, they are contented to act the part of silent observers, and wink at practices which must one day fill their own coffers.— I must not omit one regulation, which at the same time that it is highly advantageous to this officer, contributes very much to preserve the public peace. This is an order of the senate, which I think prevails in every town and village of Holland, that no chirurgion shall dress a wound without giving immediate notice of it to the schout; who is, by this means, made acquainted with every broil or quarrel; and as all breaches of the peace, such as duelling,

ling, scouring the watch, beating up a licensed bordel, breaking windows, &c. are punishable in the same manner as pilfering, by branding or whipping upon a public scaffold, if the schout prosecutes with rigour, people are very cautious how they offend, and bring themselves under a necessity of compounding.

Every town has several subaltern officers, of whom the principal are the pensionary, and the receiver-general. The pensionary is always a lawyer, and ought to be perfectly acquainted with the ordinances and customs of his city, of which he is the mouth on all public occasions. It is his business to defend the right of his town against the pretensions of her neighbours, and he may be very properly stiled the *first minister* of the senate. The receiver-general disburses according to order from the regent burgomasters.

PROVINCIAL GOVERNMENT.

WE have already said, that each of the seven provinces is absolute mistress of herself, retaining a distinct and separate sovereignty independant of the other members of the union.— The supreme authority is lodged in the united body of the deputies of the nobility and the towns; who are accordingly invested with the power of enacting laws; of making war and peace, as far as regards their own province; coining money; levying taxes; raising soldiers; creating and conferring offices; and all the other branches of absolute and sovereign power. Each province directs the exterior government of the church; regulates the modes of public worship; and keeps a watchful eye over the conduct of her synods and clergy; whose

whose maintainance she provides for, as well as for the building and repairs of the churches.

PROVINCE OF GELDERLAND.

GELDERLAND, such as it is at present, is composed of three quarters; Nimeghen, Zutphen, and Arnheim of the Velaw. The fourth, called the High Quarter, containing the towns of Gelder, Venlo, and Ruremonde, remained subject to the king of Spain by the treaty of Munster, and after several revolutions Venlo, with the greatest part of the country, was lately given up to the states-general, at the same time that Gelder was yielded to the king of Prussia, and Ruremonde, with its dependencies, reserved to the emperor. The first quarter contains the towns of Nimeghen, Tiel, and Bommel; in the second are those of Zutphen, Doesberg, Doetechem, Zochem, Groll, &c. and the third has Arnheim, Harderwike, Wageningen, Hattem, and Elborough; all which have their distinct forms of government and particular privileges.

Each quarter has her own assembly, which consists of three representatives of the nobility, and three for each town; whilst the provincial states are composed of two deputies from each quarter; one for the towns, and the other on the part of the nobility; between whom the sovereignty of the province is equally divided. The court of justice established in the town of Arnheim, convenes the provincial assembly, and has a power resembling that of the states deputies in other provinces. The three principal towns, Nimeghen, Zutphen, and Arnheim, convene the states of their own districts,

and preside in their respective assemblies. Nimeghen is a very antient town, and a fief of the empire, to whom she does homage, and pays certain acknowledgments

Monfieur le Clerc tells us the burgrave of Nimeghen is born president of the states of Gelderland, which is contradicted by others who say he is elected; and it is possible the people may be amused with something like an election, at most *pro forma*, like that which we see practised at the coronation of some sovereign princes in Europe, where the people are asked, if they will have such a person for their king. The town of Zutphen, singly, has an equal right of making officers, and giving places, with all the little towns of her district together. The magistracy is for life in this province; and the nobility have the privilege of bearing offices.

PROVINCE OF HOLLAND.

MAMERTUS, in his panegyric to Maximian, has given us a description of Holland that answers extremely well to the present condition of a great part of that province. “Your divine expeditions,” says he to that emperor, “have extended to a
 “country so extremely moist and watery, that it
 “can hardly be called *land*. Both men and beasts
 “leave the traces of their footsteps behind them;
 “and run the hazard of sinking as they walk.—
 “Those parts of the country which seem dry and
 “firm, quake and tremble under your feet; one
 “would think the earth felt the weight of the man
 “she carries, and bent beneath the burthen. It
 “is a floating mass, which being suspended is
 “never settled. The sea washes its shores; and
 “the

“ the Waal and Rhine enfold and water it with
 “ variety of windings and separations.— Thus,
 “ Cæsar, your troops were forced to make a kind
 “ of sea-fight upon land ; and combat with the
 “ water as well as the enemy.”

The states of Holland consist of the nobility, and the representatives of those towns which have a right to depute to the provincial assembly. It depends on the nobles to fill up the vacancies that happen in their own body, and to augment their number as they please ; but to capacitate a person for that election, he must be possessed of a lordship, or a fief noble in the province. They have the first rank amongst the states, and the first vote of nineteen, which determine the resolutions of that assembly. They are understood to give their votes *proprio jure* ; and it is to preserve that distinction, that the states insert this clause in their resolutions, (the lords, chevaliers ; the deputies of the towns, in the name, and on the part of the burgomasters and regents of the said towns consent, &c.) But notwithstanding this, the whole body of the nobility have but one voice, which is pronounced by the grand pensionary, as pensionary of their order. They possess church and abbey lands to a great value ; one of their body is always a deputy to the states general ; they have a second in the council of state ; a third in the council of states deputies, where he is always president ; two more are commissioners of the admiralties of Amsterdam and Rotterdam ; two are members of the high court of justice ; and for thirty years past they have had two more in the direction of the East-India Company ; all which employments are for life.

Whilst the province of Holland remained under the government of her earls, even down to the time of Philip II. the towns which had a right to depute
 to

to the provincial assembly were only six; Dort, Harlem, Delft, Leyden, Amsterdam and Tergow; but in 1579, when the union of Utrecht was formed, William prince of Orange, either for encouraging the country the better to resist Spain, or to establish his own authority, invited the small towns to send their deputies to the provincial assembly, where all those who came were admitted, and still retain that privilege. These were Rotterdam, Gornichem, Schedam, Schoonhoven, and the Brill, in South Holland; Horn, Enchuyfen and Medenblick, situated, according to the old division of the country, in West Friesland; and Alkmaer, Edam, Monikendam and Purmurent, in North Holland. The distinction of great and small towns is so far kept up, however, that in South Holland only the seven first have a right to depute to the assembly of the states-general; Gornichem, which is the eighth, deputing only to the council of state; as Horn and Enchuyfen in West Friesland, and Alkmaer in North Holland, are the only towns in their respective districts, which send their members to both those assemblies. Each city sends what number of deputies she pleases to the provincial assembly, because they have jointly but one voice; and the little town of Skedam or Purmurent has as plenary a right as the most powerful and opulent.

The persons deputed by the cities to represent them in the provincial assembly must be always taken out of their respective senates; there is constantly a burgomaster at the head of the deputation; with the pensionary and a secretary of the town, who are those that, in conjunction with the nobility, represent the sovereignty of the province.

In 1580 the senate made a resolution to admit no person into their assembly who was not deputed by the magistrates, or the town councils; which
implies

implies a doubt that some other power, (it may be the united body of the citizens) had a right to depute; and this seems to justify the opinion of Sir William Temple, that the right of elections, deputations, &c. was originally lodged in the people.

No person can be a member of this assembly, unless he is born in Holland, Zealand, or the province of Utrecht. All others are deemed aliens, and, as such, excluded the regency. Even acts of naturalization do not capacitate a person to enjoy the dignity of the province; and because those who have been in this manner adopted subjects of the republic, have thought themselves justly entitled to a share in the honours and dignities of it, and have often disputed their pretensions with a great deal of vigour, the states came to a resolution, to insert in all acts of naturalization that they are given *ad honores*. This exclusion is grounded on the practice of the old Romans, who frequently naturalized whole cities, as well as particular persons, but would not suffer them to have any share in the government of the republic. The children of persons so adopted had an equal right, however, amongst the Romans, with any other member of the commonwealth; and therefore the municipal laws of some particular cities in Holland, which exclude the descendants of strangers for several generations, from being members of the senate, seem to be unequitable, and as inconsistent with the primitive and fundamental maxims of the republic, as they are cunningly contrived to perpetuate the dignities and authority of the city, in the same families, than which nothing can be a greater breach on the liberties and natural property of the subject.

The states of Holland enjoy an entire liberty of speech, and are only responsible for their actions to the town which deputes them, without being liable to be called in question by any authority, or cited to appear before any tribunal during the time of their session, on any cause or pretext whatsoever. They assemble, according to ancient custom, four times a year to fill up the vacant offices that depend on them, renew grants, and consent to the continuation of old taxes, and the imposition of others, for raising such supplies as may have been granted by their deputies in the states-general, for the service of the subsequent year and the preservation of the union. But upon extraordinary occasions, they meet as often as their deputies in the council of state think fit to convene them.

Each member, at his first appearance in the assembly, is obliged to take an oath to maintain the rights, privileges, immunities, laws, and customs of the country; to give his vote, according to his conscience, for the common happiness and prosperity of the province and the states, without hatred or affection for the interest of any town or person in particular; to execute all resolutions, orders and commissions, with fidelity; and to keep inviolably all secrets that shall be enjoined him.

When posts become vacant, that are in the gift of the states of Holland, the several towns of the province are particularly informed of it, that they may have time to make an advantageous choice, for the good of the public, of those that shall succeed; and when the thing comes to be debated, if any member of the assembly be a candidate, he is obliged to withdraw, that the debate may be managed with greater freedom; and those who are elected must swear, that they have neither given nor promised any thing to obtain their employments.

The

The grand pensionary of Holland is the person who proposes the subjects of debate in this assembly; collects the suffrages of the nineteen representatives, pronounces the resolution, and dictates the terms in which it shall be enregistered. This officer is properly the minister and servant of the province, and, as such, takes place below the other deputies, though his credit and authority is much superior to that of any other member of the state, unless we except the treasurer-general with regard to domestic affairs. He is indeed obliged to resign his commission every five years, and there are perhaps in the history of the republic two or three instances, when the demission of the pensionary has been accepted of: But this happens so rarely, that we may venture to say, he is perpetual; and from thence arises, in a great measure, the importance of this minister, as well as from the functions of his office. The pensionary has his seat in all the courts of the province, and ought always to be a person perfectly acquainted with her interests, master of her laws, and capable to illustrate and explain upon the several propositions he makes to the states; whence it will happen that the turn he gives to affairs, in stating the question, shall often determine the debate agreeable to his sentiments. What still gives this minister greater weight, is a privilege of making a remonstrance to the assembly even after the debate is ended, and of refusing to conclude according to the plurality of voices, when he judges the resolution may be prejudicial to the republic. As this post confers great honour and authority, so it is not without danger; especially, when there is a stadtholder in the country, and he happens to quarrel with the states, or some of their members; of which Olden Barnevelet, and Monf.

de Wit have been terrible examples. The keeping of the public registers, and the great seal of the province, is entrusted to this minister: for which he has a particular commission. He is always a member in the assembly of the states-general, as a deputy of Holland.—Grotius defines him to be *Vox publicæ Libertatis; præit suadendo, componit Dissidentes.*

After the states of Holland, the court of greatest authority is the provincial council of state; which consists of one representative of the nobility, one for each of the eight great cities of South-Holland, and another for the three inferior towns of Schedam, Schoonhoven, and the Brill, whom they chuse alternately, and change every two years. The deputy of the nobles has a commission constituting him such for three years, but he is usually continued for life, whilst those of the towns are generally changed at the end of that term. The grand pensionary and the secretary of the provincial states of Holland have their seats in this council; the pensionary has a right to debate, proposes the question, and forms the conclusion as in the assembly of the states; and the secretary draws up and registers the resolutions. The functions of this council are highly considerable. She convenes the states of Holland, and prepares business for them; executes all the resolutions of that assembly; superintends the administration of the finances, and hears causes that arise from disputes between the farmers of the public taxes, and those that either refuse the payment of them, or endeavour in a fraudulent manner to evade it. Upon these occasions, and especially in cases of fraud, the demand of the farmer is *ad libitum*, and generally most exorbitant; proportioned rather to the circumstance

cumstances of the offender than the consequence of the offence ; and the council is under a kind of necessity of being favourable to the plaintiff, that he may have no pretence for delaying his payments to the receiver general of the revenue.—From hence arises a greater facility in collecting the inland duties of Holland than can well be imagined ; for as no prudent person will run himself into the possibility of paying a thousand pounds, or a larger sum, to save (we suppose) the duty of a barrel of soap ; so every man is careful to have a book of rates in his family ; to calculate exactly what is the farmer's due, and send it him with the same care and expedition, which is afterwards observed in getting the goods for which they have paid the duty, into their own warehouses. The council of state takes cognizance of all fortified towns and garrisons that depend on the province of Holland ; orders reviews of the army, and punishes mutinies and other crimes committed by the soldiery.—She nominates the town-majors of fortified places, and disposes of all subaltern commissions below the rank of captain. Her members have a right to sit with the states-general, and upon debates of importance, the whole board is there, but in the usual course of business, only two of them are present, who are succeeded monthly by two of their colleagues. These gentlemen at their admission into the council are obliged to swear, that they have neither given nor promised any thing for their employments, and that they will give their opinions according to their consciences for the public good, preferably to the interest of any particular town, even of that which deutes them.

There is a court of the same nature in North-Holland, consisting of deputies from all the towns

in that quarter, who are changed every two years ; and these two councils meet annually in the month of November, to settle in conjunction with the deputies of the states general, what the Dutch stile, *l'Etat de la Guerre*, or, the necessary funds to be levied in the subsequent year for the service of the army. The secretary of the North-Holland council is always a commissioner of the revenue.

There are in Holland two principal chambers of accompts, of which the first is for the ancient revenue of the counts of Holland, that devolved on the states when they threw off their allegiance to the Spaniard, composed of four ministers, a solicitor, two auditors, and a secretary ;—offices that have always afforded an honourable and lucrative retreat, to those who were grown old in the more laborious employments of the state, and had behaved themselves with prudence and integrity.——But as the states have now begun to sell the old demesnes of the counts, this chamber becoming useless will, in all probability, be laid aside. The stadtholders have always elected the members of this board from a double nomination of the states. The other chamber audits the accompts of the ordinary revenue, and the extraordinary taxes that are imposed in time of war. There is a third chamber of accompts in North Holland, composed of deputies from all the towns of that quarter.

For the administration of justice there are two courts held at the Hague, called the *court of Holland*, and the *high council*. The provinces of Holland and Zealand have been always so strictly united, as to have but one common high court of justice, and accordingly that of Holland is composed of a president, with eight counsellors of the province, and three for Zealand, a solicitor, two attornies,

tornies; a register, and six secretaries: and by a particular agreement, Holland chuses the president two years, and Zealand the third.

But notwithstanding the strict union that has subsisted between these provinces, they have frequently had disputes concerning the jurisdiction of this court, of a very high and delicate nature. In 1656 Holland insisted, that as the courts of justice had their residence in that province, she ought, consequently, to retain a supreme authority over them, with a power either to extend or restrain their jurisdiction, and interdict them the cognizance of affairs in which the interest of the sovereign might be concerned. But this was very warmly contested by Zealand; and at last it was agreed, that though the province of Holland was indeed invested with the sovereign power, yet she should not be at liberty to make any alteration in the methods of administering justice already settled between the two provinces, because they had both mutually obliged themselves to the observance of them. This was not so well reconciled, however as to prevent future disputes: And in 1674 the states of Holland came to a resolution to reserve to themselves the decision of all political affairs, as properly appertaining to the duty of the sovereign, in the same manner that the administration of justice fell naturally within the authority and jurisdiction of the courts. And this resolution they have maintained, notwithstanding the several remonstrances that have been made, both from the courts and the province of Zealand against it.

The members of this council are excluded from being magistrates of cities, directors of the trading companies, or enjoying any post, or other salary, than that which is annexed to their office; that

they

they may be left free and unbiassed for the impartial administration of justice. The nobles of Holland are subject to the jurisdiction of this court, before whom they plead in the first instance. The city schouts or bailiffs are likewise liable to be cited hither, and upon a complaint they are sued by the solicitor; but he has no share in the fines set on them, as they have in those that are imposed on delinquents, convicted in their respective cities.

Appeals lie to this court, from the sentences of the sheriffs in the several towns of both provinces, and the judges in the last resort of all criminal cases, and of civil causes to a certain sum, after which there lies an appeal to the high council.

The high council of Holland and Zeeland was first instituted in 1582, instead of the grand council of the Malines; whither all appeals had been carried in the last resort of justice, before the separation of the seven provinces from the Spanish monarchy. But that revolution being once effected, it was no longer practicable for the subjects of the states-general to have recourse to a city in the domination of Philip II. and this necessitated the prince of Orange to establish the tribunal we are now speaking of, to which he hoped the people of the United Netherlands would all appeal, as they had done before, to that of Malines: but in this his highness was mistaken. The provinces of Holland and Zeeland, however, concurred in the design; and accordingly the court is composed of a president, with six counsellors for Holland, and three for Zeeland, a Register, and a substitute, who are invested with a very high and extensive jurisdiction. They judge peremptorily and definitively of all cases brought before them, by an appeal from the court of Holland, and give judgment, from which there is no farther appeal, except by way of revision or remon-

remonſtrance of error ; for which the ſtates of Holland name five commiſſioners, who are added to the former judges : but this reviſion is made upon the ſame proofs and circumſtances that were before exhibited, without permitting either party to make freſh allegations.

I muſt not finiſh my account of this province, without remarking the lenity of the law towards debtors. Never was there ſuch large credit given to all ſorts of perſons as in Holland, and never any country where ſo few languish in priſon. In 1721 thoſe confined for debt in Amſterdam were not more than five and twenty. A trifling number for a city which has at leaſt as many trading people as London. The ſame lenity is obſerved all over the province, from whence it is generally, though falſely underſtood, that the Dutch are naturally merciful, whereas they are, in reality ſevere and rigid ; but their laws, in this reſpect, are gentle indeed ; and it may be, owe their being to that cruel diſpoſition of the people, to which they are in themſelves ſo oppoſite. For before it was enacted, that the creditor ſhould ſupport his priſoner with a certain allowance, to be ſettled according to the pleaſure of the magiſtrate, the priſons were crowded with miſerable men as they are in England ; of which the ſtate could not but take notice at laſt, and from thence fell upon means to prevent the loſs of ſo great a number of ſubjects to the public, by an unuſeful detenſion. And as thoſe who owe but little are ſecured from the perſecution of their creditors, by the neceſſity of maintaining them in priſon, ſo thoſe whoſe debts are large, have an effectual method to avoid perpetual imprifonment, by conforming to the laws relating to bankrupts. When any perſon acquaints the magiſtrates with
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his insolvency, and lays before them an exact account of his circumstances, they immediately order the commissioners of bankrupts to possess themselves of his estate, and exempt his person from all arrests for six weeks; which time is allowed him to compound with his creditors. But if his endeavours prove ineffectual, which seldom happens when his failure appears to be fairly owing to losses and misfortunes, the commissioners at the end of that term sell his estate, and make a dividend at an average to the concerned; after which the magistrates acquit and exempt him from all claims, whether foreign or domestic; Nor is it in the power of any, or all of his creditors, to hinder this when the failure is not fraudulent.

Another method of obtaining absolute freedom in Holland, still more expeditious than the former, is for the debtor to apply to the provincial high court of justice, represent his condition, and give up all he has upon oath; after which he is exempted as before from all future claims; and is again free to undertake whatever commerce he pleases; but if the bankruptcy be fraudulent, and the debtor takes a false oath, the magistrates are authorised to punish him *ad libitum*, even with death itself, if they think fit.

I will not take upon me, either to blame or approve this facility with which the party declares himself a bankrupt and obtains his discharge.— Certain it is, that fraudulent bankruptcies are frequent enough in Holland as well as other countries; and that we hear very seldom of any person's suffering capitally on that account. But for the law which directs the creditor to maintain his debtor in prison, the good effects of it are visible upon the whole community. I remember when the bill for preventing frivolous arrests, &c. depended

pended in parliament, one argument brought against it was, that it would destroy the credit given to the inferior people. But if we may conclude from experience, this will certainly be found without foundation; for as I have observed above, there is no where so much credit given to all degrees of persons as in Holland, though there be no such thing as a personal arrest, before the party has been summoned three times, unless oath can be made that he is about to fly the country. This effect the law has indeed, that every man is obliged to take care of his character. A dissolute person would not have any credit in Holland; and therefore all are under a necessity of establishing a certain degree of reputation proportioned to their several conditions; or for want of this to preserve at least a week's wages before hand, without which it would be impossible to subsist.

If the method of treating bankrupts in Holland be not perfect, ours in England I think is much less so. In Holland the expence of going through an act of bankruptcy, even before the high court at the Hague, is not above twenty pounds sterling; with us it is four-score or a hundred. In Holland the magistrates are judges of the truth or deceit of the debtor, and use him accordingly; with us, though the commissioners are of opinion that the certificate ought to be allowed, the creditors have it in their power to hinder it; and this puts many upon practices to make what they call two-thirds in number and value, that are extremely fraudulent and iniquitous. In Holland the degree of punishment in cases of fraud, is left to the magistrate; in England the law admits no medium, but pronounces either death or an acquittal; which must naturally make a bankrupt doubly cautious in his methods of secreting his effects, and very often

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hinders his being detected, through a certain tenderness which the generality of persons have for another's life, who would perhaps appear against him were the punishment any thing less than capital.

With regard to personal arrests, our law has indeed been lately softened; but surely there remains a further reformation to be wished for. Not only in Holland, but in France, Flanders, Italy, the free towns of Germany, and I believe I may add every other country except Great Britain and Ireland, the debtor is either maintained in prison by his creditor, or discharged upon giving up his all. In Holland the law is inexorable towards criminals, but indulgent to debtors; we, on the contrary, are favourable to delinquents of every kind, and cruel even to oppression where we have any demand — This has long been a great and just reproach to us amongst our neighbours. It may be said without partiality that England is a very generous nation: it is remarked by foreigners that even our mobs are equitable in their proceedings.

—Fair play is a phrase unknown to the rest of Europe; yet in counties where no man foregoes the advantage he has over his enemy; and where forgiveness is a stranger, there is still far less inhumanity practised towards debtors than in England; who though unfortunate, and bad, indeed, in the dialect of Exchange-alley, yet are not always the worst men in the nation: the reason of our behaviour in this point is obvious enough. Every creditor in England has the authority of an absolute prince over his poor servant the debtor, and there are very few fit to govern. Physic is necessary to repel too great a redundancy of humours in the body, and the human passions will be restrained by nothing but wholesome laws enforced by power.

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The legislative body has thought fit to make one step towards a cure of this national disease, worthy the representatives of a great, free and generous people ; and I doubt not but the time is near when we shall still act more in character.

PROVINCE OF ZEALAND.

ZEALAND is in many respects a very powerful province, whether we consider the nature of her situation equally proper for the promotion and security of commerce ; the largeness of her fisheries, or the number of her seamen.

She was for several years subject with Holland to the same count, and since they have had none, she has always chosen the same governor. It is not long since one chamber of accounts superintended the revenue of both provinces, and at the beginning of the troubles their states formed but one assembly. The states of Zealand formerly consisted of three orders, the clergy, nobility, and towns. But the reformation of religion deprived the clergy of that right, and the noble families are all become extinct, or at least there is no person who is a member of the states by virtue of his birth or any lordship, he may hold in the province ; so that the sovereignty is now devolved on the towns, whose representatives assemble in the common course of business twice a year, and extraordinarily as often as their deputies think fit to convene them.

William the first, prince of Orange, becoming marquis of Terveer, and lord of Flushing, and Saint Martendyke, obtained the quality of *first noble* from the states, with the right of representing, either in person or by deputy, all the nobility of the province. His posterity have succeeded him

in dignity, even down to King William the Third, though not by hereditary right, but through the gratitude of the states, as Monsieur Wicquefort observes, who cites their resolution on this subject.

But this dignity being now extinct, the provincial states of Zealand as was said before, consist only of the deputies of Middleburgh, Zuriscea, Goes, Tole, Flushing, and Terveer.

The council of state is composed of one deputy for each town, who are chosen for life ; and the pensionary and the secretary of the province have the same functions at this board as those of Holland in their respective province ; the government being in all respects the same, with exception to the perpetuity of the members in the council of state, and that those of Zealand are at the same time commissioners of the provincial court of admiralty, and as such take an oath to the states general.

The city sheriffs of Zealand determine civil causes in the last resort to a certain value, after which there lies an appeal to the high court of justice in Holland ; and for the affairs of that part of Flanders which is considered as a conquest of the generality, there is a court of justice, consisting of a president and eight counsellors, a solicitor-general, a register, and a receiver of the fines. The states general confer these employments, and appeals lie to them from the judgment of the court.

The election of city magistrates is managed in the same manner in this province as in Holland, with exception to some few towns. In Middleburgh, which for its rules and extensive commerce, may justly be esteemed the capital of Zealand, there are twelve burghesses, called *electors*, who are added to the senate, and these conjointly make a double nomination of such as they judge proper for the

the regency, out of whom the stadtholder or his deputy formerly chose such as he thought fit ; and since the extinction of that office, the right of election is devolved on the town. Another circumstance peculiar to Middleburgh is, that the dignity of senator is not for life, so that when the magistrates have finished the time for which they were chosen, they return to a private condition, till by a new election they are restored to their former dignity. So wise a caution has a very good effect on the affairs of Zealand, and is very worthy the imitation of her sister provinces.

PROVINCE OF UTRECHT.

THE states of Utrecht consist of three orders, the clergy, nobility, and the commons. The deputies of the clergy are taken out of the five first chapters of the canons of the city, who are at present laymen, that have bought those places, and enjoy certain ecclesiastical revenues annexed to them. These deputies, who are eight in number, are called the *elected*, and when a vacancy happens amongst them, the town of Utrecht has a right to present two of its canons to the nobility, and the four small towns, of whom they elect one. Four of the canons are usually nobles, though there is no express law for that purpose.

The number of the nobility who form the second order is not fixed. They augment their number with consent of the other orders ; but there are several conditions essential to one that would be elected into this body, the principal of which are, that he must bring sufficient proof of a noble descent, that he possess a lordship in the province
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worth at least twenty-five thousand florins, and that he be of the reformed religion.

The third state is formed out of the senates of the five towns which have a right to depute to the provincial assembly; the town of Utrecht pretends however that the other four have only a right to debate without voting; and in reality resolutions are often taken upon the single suffrage of Utrecht, though the rest do not concur. The court of ordinary deputies, as they are stiled, is equivalent to the council of state in Holland, and consists of four of the elected; four nobles, two deputies of the town of Utrecht, who are the two regent burgomasters for the time being; one for the town of Amersfort, and one for the other three; who elect their deputy alternately, every four months.

The senate of Utrecht is composed of forty persons, concerning whose election there have been very great disputes. The clergy and the nobility had appropriated the right of election to themselves, and always took care that the president burgomaster should be a nobleman, who, by virtue of his quality and rank in the provincial assembly of the states, found it no hard matter to extend his authority beyond that of his colleagues. The town often complained of this, but to no purpose, until 1618, when Prince Maurice, then governor of the province, went thither with some of the deputies of the states general, and terminated the dispute in presence of the provincial states of Utrecht, and the deputies of the town, in the following manner:

The privilege which the clergy and nobility had hitherto enjoyed was taken away; and it was agreed, that of the forty members which then composed the town council, the prince should chuse twenty.—
Probably he might be jealous of the rest, at a time
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when the disputes about grace, and the affair of Barnveldt divided men's affections. To those the magistrates were to name forty more, inhabitants of the town, men of good circumstances, and of the reformed religion. To those sixty persons, the prince, as stadtholder, should add twenty. And, lastly, from the whole number of fourscore he should chuse forty, who for the time to come should compose the senate, and have a power to elect their magistrates, and fill up the vacancies of their own body, without being obliged to have one of the nobles for their president burgomaster ; and this form has continued ever since.

There is this particular in the government of the city of Utrecht, that a foreigner who has resided ten years in the town, may be received into the regency ; and those who are born in the province are admitted after five years. As on the other hand, to be a member of the college of nobles, a canon of Utrecht, or in the service of a foreign prince, are all circumstances that exclude a person from that dignity. In the same manner a father and his son, brothers, and brothers-in-law, cannot be members of the council at the same time ; nor must a senator be in the least concerned in collecting the taxes, or farming the public revenues of the town. When there was a stadtholder, he had the election of magistrates upon a double nomination of the senate, but since the death of William the Third the town has exercised that privilege.

The ancient bishops of Utrecht were more intent on their conquests, and the enlargement of their dominions, than anxious for the encouragement of arts and sciences. Content to augment the revenue of the church, they never thought of erecting an academy at Utrecht ; an honour they left to the new republic, which, in 1634, founded the university

versity of that city, and furnished it with able professors in all faculties. The principal of these have been Voetius, who left his name to his disciples, in opposition to those of Coccæius, with whom he had very great disputes, as well as with Des Cartes, whose philosophy he decried. After him we may reckon his son, with Burman, and the celebrated Grævius. Leusden, Leydecker and Reland, are names of great reputation in the learned world, and some of the present members of this academy are persons of distinguished abilities.

PROVINCE OF FRIZELAND.

THE present form of government established in this province is very particular. Frizeland consists of four quarters, three of which are Ostergo, Westergo, Sevenwoud, and the fourth is of the towns. On the first of these depended eleven bailiwicks, on the second nine, and on the third ten. Each bailiwick and each city send two deputies, who together represent the sovereignty of the province. When they are met in their general assembly, they separate themselves into four chambers, each of which chuses two deputies, whom they term the *little number*, and it is to these persons that all those address themselves, who have any thing that demands recourse to the states. The nobles have no rank amongst the states of Frizeland, and indeed there are manors or lordships in the province. The court of states deputies consists of nine persons; two for each quarter of the province, and three on the part of the towns. Those of the quarters are changed every year in the ordinary course, but sometimes they are continued by a fresh commission; and the town deputies hold their employ for
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three years. The two principal towns of this province are Leuwarden and Faneke. The first is capital of Osterfo, where reside the court, the council of state, and provincial courts of justice. Faneke is the capital of Westergo, and has formerly been celebrated for her university, founded in 1585. The towns have all their senates and burgomasters whose numbers are different. The high court of justice held at Leuwarden, is invested with a very great authority, and consists of twelve counsellors, who are elected by their respective quarters, and introduced to their functions by the states deputies, to whom they take the customary oath of office. She judges sovereignly of all crimes that incur corporeal punishment, except such as regard the admiralty and the army; and the states repose so great a confidence in the decisions of this court, that they never grant either pardon or reprieve, to those who lie under her sentence. Appeals are brought hither from the inferior courts of the province, which are determined according to the statute-laws of Frizeland; and in causes purely civil there lies an appeal from the sentence of the court by way of revision. There are two methods of revision. The first is by appeal to the same court better informed; but in the mean time the first sentence may be executed, provided the party in whose favour it is gives security to pay the sum in question, if the second verdict goes against him. The second, which is called the *grand revision*, is made in the name of the states, whose deputies chuse six lawyers, whom they constitute revisors, three of the province and three strangers, who meet at Leuwarden, where a member of the high court delivers them a copy of the process sealed up, to be re-examined upon the same proofs that were before exhibited. After the revisors have given their opi-

nions, the same member of the high court produces a second sealed paper, with the separate opinions of the judges who assisted at the former revision; which being opened and considered, the states deputies form a conclusion from the plurality of opinions, as well of the former judges as of the present revisors; and this is declared to be the sentence of the states of Frizeland.

PROVINCE OF OVERYSSEL.

THE states of Overysfel are composed of the deputies of Zalant, Twent and Vollenhove, and of the three towns, Campen, Deventer and Zwoll; which six members, with such of the nobility as have lordships to the value of thirty thousand florins, represent the sovereignty of the province.—Strangers who desire to settle here and enter into the government, have only to prove their nobility, buy a lordship, live in the province two years, and pay a certain sum for their admission.

Domestic affairs of an ordinary nature are resolved according to the plurality of voices, but in an uncommon manner; for if one single nobleman joins in opinion with the three towns, they make the plurality; as in like manner, if one-third of the nobility, and one nobleman over and above, join with two of the towns, they are a majority; and it is the same if two-thirds of the nobility, and one more, agree with one of the three towns. But all acts of state which relate to new taxes, peace, or war, require the unanimous consent of all the orders.

The bailiff or droffart of Zalant convenes the state, by summoning the deputies of his own quarter himself, and the rest by the interposition of their
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respective bailiffs. He likewise presides in the general assembly, collects the suffrages, and forms the conclusion. The three towns, who have formerly been members of the empire, pretend still to be sovereign within the circuit of their walls and precincts; and that there lies no appeal from their sentences. The droffarts however affirm, that their jurisdiction extends into all the towns of their districts; but without deciding which is in the right, it is most certain that the towns have always maintained their pretensions, and judge all causes in the last resort. Each of the town senates consists of sixteen burgomasters, who are elected by the people divided into forty cantons. These gentlemen govern all important affairs, and two of them are chosen weekly for the dispatch of ordinary business.— There is a court of justice in this province, though very unlike those of Holland and Zealand, composed of one deputy of every bailiwick, and each of the three towns; which serves as a council of state to the province. In matters of justice there lies an appeal from the ordinary judges to the several bailiffs, who determine all causes in the last resort; and against their sentences there is no remedy in law, except that every four or five years there is an assembly of states deputies, before whom, any person that thinks himself grieved by a former sentence, may have his cause revised upon his petition.

Justice is dispensed in a very uncommon manner at Deventer. Twelve schepens and four counselors compose the tribunal of that town, and are elected every year by an assembly of the burgesses, who take an oath to give their votes impartially, and chuse persons of reputed integrity. These electors, to the number of forty-eight, are drawn from all the different streets of the town, and they have a further privilege of assembling, from time

to time, at least four times a year, to deliberate of the most important affairs of the province, without excepting even those which relate to peace and war.

PROVINCE OF GRONINGHEN,

WHICH COMPREHENDS THE

O M M E L A N D S.

THE province of Groninghen is composed of two bodies; the town and the neighbouring country, called, in Dutch, *Omme Landen*, situated between the rivers Ems and Lawer. The magistracy of the town consists of eight burgomasters and sixteen counsellors, whose dignity is for life, but their functions only annual. There are always four burgomasters and twelve counsellors in the regency, the remaining eight being employed for that year in other functions. The regents govern all political affairs in a sovereign manner; and judge in the last resort all causes both civil and criminal. The places which become vacant in the magistracy, either by death or mal administration, are filled up by another court composed of twenty-four persons, called the *sworn society*; unless when a magistrate dies in the time of his regency, in which case the council may dispose of the vacancy, provided it be done within ten days after the burial. To preserve the number of sixteen persons in the regency, the sworn society assemble once a year, by virtue of a privilege granted them by the town: the president burgomaster puts into his hat nineteen white and five black beans, which answer to the number of electors, and those who draw the
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five black beans chuse the persons whom they judge proper to fill the vacant places.

The Ommelands are divided into three quarters, whose laws provide that those who possess thirty acres of land, of the value of a thousand florins, money of Embden; and who pay eight florins upon each subsidy to the state, which is termed *verpounding*; have a right to appear in the assembly of the province. The three quarters however have but one voice, and the town another, so that the sovereignty is equally divided between them. Each quarter is again subdivided into three smaller districts, and no resolution can be taken upon the affairs of the province, unless six of the smaller districts concur in it.

There are several jurisdictions throughout the province, both for civil and criminal affairs; but there lies an appeal from all the sentences to the court of justice established in the city of Groningen.

This court is composed of a president, who is named alternately by the town and the Ommelands, and eight assessors, of whom four are the regent burgomasters for the time being, and the other four are perpetual, one of whom is nominated by the town, and three by the Ommelands.

The states of the province consist of an equal number of deputies from the two members, who assemble annually on the 8th of February, and on that day all posts become vacant, but they are immediately filled up, either by a new election or a continuation of the same persons. The states being assembled, deliberate and resolve as sovereigns of all that concerns the province; but there are only two suffrages in the assembly equal in authority; when they happen to disagree, the resolution is suspended till one party comes over to the sentiments

ments of the other. The town and the Ommelands have an equal right in the distribution of offices, which they confer alternately, and the commissions are made out in the name of the province. They send six deputies to the states general, two to the council of state, two to the general chamber of accounts, four to the admiralty of Harlinghen, and one to that of Amsterdam.

They chuse every year eight persons, who compose a court of states deputies; and in the absence of the provincial states, these gentlemen regulate the affairs of the province, as the council of state does in Holland.

In the same manner they elect six persons, who compose the provincial chamber of the finances; six curators for the university of Groninghen, whose professors they nominate likewise; and lastly, they dispose of all commissions and military offices in the troops that depend on their province.

It is Monsieur Basnage's remark, that this equality in the distribution of offices ought naturally to produce a good correspondence and harmony between the two members of the province, since it is usually the bone of contention amongst the principal persons in a state; but notwithstanding this, the town and the Ommelands are very often at variance.

COUNTRY OF DRENT.

THIS little country makes the frontier of the united provinces on the side of Westphalia, and may in one sense be stiled a part of them, since she contributes one per cent. to the public expence, and obeys the states general. Indeed she has no representative in their assembly, and in that only she

she is less than any other member of the republic; a particular the people of Drent have often complained of, but to no purpose. There seems to be something hard however in the exclusion, for as she is not a conquest of the generality, but is mistress of her own revenue, and contributes in some degree, though a small one, to the expence of the union, it were but equitable that she should have a proportionable share in all the honours and advantages of it.

STATES GENERAL.

THE republic of the United Provinces consists in a confederacy of several states or sovereignties, whose distinct liberties and methods of government we have taken a particular view of; and these, like the Swiss cantons, are united together, on condition that each shall enjoy her own laws and privileges.—Thus, as all its parts are sovereign, strangers must consequently regard the whole as such, who have any thing to negotiate with the body of the union. The states general, properly speaking, are the united body of all the representatives of each province. In the infancy of the commonwealth they were convened by the council of state upon any emergency, and separated as soon as the business for which they were summoned was concluded. Their numbers it seems were very large, since the assembly held at Bergen-Op-Zoom, to ratify the truce made with Spain in 1609, consisted of no less than eight hundred members. But as so large a number must necessarily occasion many inconveniencies and a very great expence, each province contents herself with sending a few deputies, who together form that body which we call the

the *states general*. An assembly of plenipotentiaries of the seven sovereignties which compose the state, whose power is limited either expressly or tacitly by his instruction, not to suffer the least wound to be given to the sovereignty of that province which deutes them. These are the persons who represent the majesty of the government, and assume the title of *high and mighty lords* or *high mightinesses*.— Besides the ordinary deputies, the ambassadors of the state to foreign courts have a right to sit in this assembly, whose members are only accountable for their actions and behaviour to the province that deutes them. Those who are unacquainted with the government of the united provinces generally imagine that the states general are the sovereigns of the country, as they consist of deputies from all the provinces, as they represent the body of the state, receive ambassadors, and appear in general to be invested with the sovereign power. But these deputies are only appointed for a few years, and though they have the power of debating on the most important affairs that regard the union, and every thing that may tend to secure or promote the preservation and happiness of the state; yet they have not power to conclude any point of great consequence without communicating it to their provinces, and receiving their express consent. This is undoubtedly the weak side of the government, which would have been stronger if the seven provinces made but one sovereignty. Resolutions would be sooner taken, and the execution of them more vigorous; but it would have been dangerous perhaps in the beginning to have divested the provinces of their old privileges in favour of any new erected body. In the assembly of the states general the provinces preside weekly in their turn, beginning with Gelderland, who had the precedence

cedency before the union, when they were all under the dominion of the King of Spain; and the rest follow in the order we have already considered them. He who is first named in the deputation of the province presides, and is from thence called *president of the week*. This gentleman proposes the subjects that are to be debated, and collects the votes of the assembly; upon which he forms the conclusion, dictates to the register, and afterwards signs the resolution.—If the president refuses to conclude agreeable to the plurality of voices, in cases where the plurality takes place, either because it may be contrary to the sense of his province, or his own opinion, he resigns the chair to the president of the former week; and if he likewise refuses, they have recourse to the former president, and so backwards, till one seats himself in the chair, and concludes.

We have already observed, that in the infancy of the republic this assembly was not perpetual: The provincial states did not send their deputies to the general assembly, unless they were convened by the council of state, on whom the execution of all resolutions taken by the states general devolved. But the authority which this council acquired from hence, especially during the time of the earl of Leiceſter, or rather the authority acquired by the earl himself, gave umbrage to the provincial states, who thereupon resolved that the deputies of the states general should continue always assembled.—It seems his lordship, who presided in the council, would never suffer the states to be convened, until he had already digested the points upon which they were to be consulted, and prepared things to go just as he would have them: So they were rather called together to ratify what was already concluded, than to debate it; and from hence sprung the ill temper

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and jealousy of the states, who thought their liberties in danger, whilst that lord resided amongst them: And it appears indeed, by the manner in which he was recalled, that Queen Elizabeth was of the same opinion.

I have already said, that the states general can neither make war or peace, without the consent of the provinces; neither can they raise troops, impose a tax, enter into a foreign alliance, or abrogate an old law, without the same concurrence.

The provincial states have reserved to themselves several other things expressly; such as the liberty of electing a stadtholder, or refusing him; the right of nominating to the several governments of towns and forts that depend on their respective provinces; that of keeping the keys, and giving the word by the magistrate; a power over the troops in all things that are not purely military; of conferring the colonels commissions, and the other subaltern posts, in those regiments which are paid by their respective provinces; of placing garrisons in such towns as they think fit, and changing them with the consent of the council of state; of taking an oath of fidelity from the troops to themselves, and the magistrates of the several towns in which they enter: all which are standing articles, and the states general are not permitted even to debate concerning their revocation. But notwithstanding these restrictions, they are invested with a very great authority, which may be properly distinguished under these three heads: First, as to domestic affairs. Secondly, with regard to the towns of the generality that have been conquered since the union of Utrecht. And lastly, in reference to ambassadors.

As to their authority in domestic affairs, we can only say, that the states general are charged with the

the execution of the perpetual alliance or union of Utrecht. It is, indeed, their duty, as I have said above, to consult on every thing that respects the common good of the republic, either at home or abroad; its defence in time of war, and alliances in time of peace. But the resolutions they take on any of these heads are not valid, until they are ratified by all the provinces. When that is done, the resolution passes into a law, and a placart or ordinance is issued by the states general, and sent to the provincial states, requiring them to receive it; but this is done in terms that imply no command or superiority, or that can possibly give the least wound to the sovereignty of the particular provinces.

Sir William Temple reports a remarkable instance of the violation of the ordinary practice, upon his being sent to Holland in 1668, when the states general ventured to act against the fundamental laws of the union, and conclude three different treaties with England, without the concurrence or even the participation of the provincial states. Sir William Temple remarks at the same time indeed, that the deputies had forfeited their heads if they had been disavowed. But it seems the necessity of concluding those treaties with expedition was so evident, and the advantages that would naturally result from them to the republic so considerable, that they ran very little hazard; and accordingly their conduct was universally approved by their principals. Thus we see that, as to domestic affairs, the states general are far from acting in a sovereign manner. However, as they are generally made up of the most powerful as well as the wisest men of the republic, we cannot doubt but the resolutions taken by them must have a very great influence on the several provincial assemblies.

With respect to the towns that have fallen under the domination of the provinces since the union of Utrecht, the states general must be considered in another light ; for they are the absolute sovereigns of all lands and places conquered by the arms of the union, as Bois le duc, Breda, Bergen-op-Zoom, Grave, Williamstadt, and Maestricht ; of the country on the other side the Maese ; Hulst, Sluice, Ardembourg, and several other places in Flanders ; which they possess as the King of Spain did, without prejudice to the rights of particular lords, to whom the inheritance is preserved. Maestricht they hold in common with the bishop of Liege, who creates the magistrates, and the states general the rest ; but these confer the government of the town, in which they always maintain a strong garrison. For the regulation of these places that depend on the generality in Brabant, and on the other side the Maese, the states general have, ever since the year 1591, established a court at the Hague, called the *Council of Brabant*, which judges in the last resort of all causes both civil and criminal, that come before it by appeal from any of the town courts of these districts, with exception to Maestricht, whither the states send every two years, two of their body in quality of commissioners deciders, who, in conjunction with those of the bishop or prince of Liege, judge all disputes which arise between the inhabitants of either country. The sovereignty of all lands acquired by the Dutch East and West India Companies in Africa, America and the Indies, does likewise vest in the states general.

With respect to the power of the states general in relation to ambassadors, they receive ambassadors from, and have the nomination and appointment of ambassadors to, foreign powers.

COUN-

COUNCIL OF STATE

AND

GENERAL CHAMBER OF ACCOMPTS.

THE erection of the council of state was projected by the states of Holland, Zealand, and Utrecht, in concert with that great politician William the First, Prince of Orange. The tragical and unexpected death of this prince, contrary to all expectation, produced very little alteration in the measures that had been taken in his life-time for the establishment of this council, which the states general erected in the same year 1584, with a very ample authority. Affairs of state, both foreign and domestic, the army and revenue, were all entrusted to her care: but the states themselves soon grew jealous of this extraordinary power, which they resolved to reduce gradually; and accordingly, by a new instruction in 1651, the disposition of military affairs and the command of the army, from being peculiar to the council, was in part transferred to the states general, who now give orders for the safety and defence of the state, the motion of the troops, and the operations of the campaign. But this is not done without consulting the council however, which still retains the care of raising and disbanding, cloathing and arming the soldiers; of exercises and reviews; and in general of all the military discipline and œconomy. She is likewise charged with the care of the fortifications and magazines of Gelderland and Overijssel, which make the frontier of the seven provinces.

Business of state, especially that which is foreign,
depends

depends now entirely on the states general; but the council still retains the inspection of the general revenue of the union, and gives orders for payments; on which account the treasurer general has his seat at this board, and a right to debate, but not to vote.—The office of treasurer is for life, which gives him an opportunity of acquiring so perfect a knowledge of affairs as makes him entirely necessary.—It is he who prepares every year under the authority of the council an exact account of the funds necessary for maintaining the troops and officers in pay, and all other expences that regard the generality, which is what they call *l'Etat de la Guerre*.

The receiver general attends here likewise, to instruct the council what funds are in his hands; which being done, he withdraws. The treaty of union obliges each province to levy certain taxes, to be applied to the common necessities of the whole body; but this article could never be executed, and probably never will, because the inland provinces, who have little or no commerce, cannot possibly pay an equal quota with those where trade flourishes. The following proportion is what each province always pays in the sum of one hundred gilders or florins.

Gelderland,	—	—	F. 5	11	2
Holland,	—	—	57	14	8
Zealand,	—	—	9	1	10
Utrecht,	—	—	5	15	5
Frizeland,	—	—	11	10	11
Overyssel,	—	—	3	10	8
Groninghen and the Ommelands,			5	15	6
Country of Drent,	—		0	19	10
			<hr/>		
			F. 100	0	0
			<hr/>		

They

They do not always confine themselves however within their settled proportions; but raise such sums and by such ways and means as they think proper, of which they send their quota to the receiver general, and employ the rest as they please. In time of war, when the ordinary revenues are not sufficient for the necessary expence, the council demands the settlement of new funds from the states general; and to these extraordinary expences the provinces contribute in the following proportion:

Gelderland,	—	—	F. 5	12	13
Holland,	—	—	58	6	4½
Zealand,	—	—	9	3	8
Utrecht,	—	—	5	16	7½
Frizeland,	—	—	11	13	2½
Overyssel,	—	—	3	11	5
Groninghen,	—	—	5	16	7½
			<hr/>		
			F. 100	0	0
			<hr/>		

And the little country of Drent furnishes one per cent over and above.

In the assemblies of the states general and provincial states the suffrages are not taken *capitum*, but *provincialiter*; and therefore the provinces and the towns may send what number of deputies they please, because they all virtually have but one voice. But in this council the provinces are represented by such a number of deputies as bears a tolerable proportion to the money which each of them contributes for the support of the whole, with exception only to Groninghen. Gelderland has one, Holland three, Zealand two, Utrecht one, Frizeland two, Overyssel one, and Groninghen two; who with the deputies of the nobles and governors of pro-

provinces, are the persons that compose the council of state. And here each member has a decisive voice, and presides in his turn, without regard to the rank of the provinces.

For the regulation of accompts between the provinces, and auditing those of particular receivers; with the income of the lands which belong to the state in general, there is a chamber of accompts, composed of fourteen deputies of all the provinces, and two secretaries, who likewise do the business of auditors and correctors. This chamber examines the accompts of the several admiralties who receive the money arising from duties of importation and exportation, appropriated by the states to the service of the navy. In the same manner she superintends and regulates the expences of the states deputies, who travel and execute commissions for the public; the salaries and extraordinary expences of ambassadors, extraordinary deputies, and other ministers employed in foreign courts; and keeps an exact register of all orders made by the council of state, for whose ease she was indeed chiefly erected.

A D M I R A L T Y

OF THE

UNITED PROVINCES.

THE admiralty of the united provinces is divided into five different courts, which are those of the Maese, Amsterdam, North Holland, Zealand, and Frizeland. The first, which resides at Rotterdam, consists of twelve commissioners, of whom
seven

seven are elected by the province of Holland, and the remaining five are deputed by Gelderland, Zealand, Frizeland, Utrecht and Overijssel. The second admiralty, which is that of Amsterdam, is composed of six members for Holland, and one for each of the other six provinces. I am ignorant of the exact number of commissioners that compose that of North Holland, which resides at Horn and Encheisen alternately, removing every three months. The admiralty of Zealand is fixed to the town of Middleborough, and consists of eleven commissioners, four of whom are deputed by Holland, a fifth by the province of Utrecht, and the other six members are of Zealand, and serve at the same time as the council of state for that province. The fifth admiralty, which is that of Frizeland, is established in the town of Harlinghen, and consists of ten commissioners; four of the province; two for Groninghen and the Ommelands; one for Gelderland, and another for Holland. Each of these courts has a secretary, a fiscal or solicitor general, a receiver, a commissioner general, who superintends the seizures and custom-house officers, and a comptroller general of the duties of importation and exportation; with numbers of inferior commis, or custom-house officers. The commissioners of these several courts are elected by the states of their respective provinces, who exact an oath from them, that they have given no bribe to obtain their election. They must likewise swear, to execute all political resolutions taken by the states general, with the concurrence of their respective provinces, and to observe the several articles of their instructions; by which, among other instructions, they are incapacitated to buy the merchandize that is seized by the custom-house officers of their dependance, and confiscated by sentence of admiralty;

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which seems to be a very equitable reserve, since the admiralties are invested with a particular jurisdiction, by which they are authorized to judge and determine all disputes that arise from frauds committed in the entry of goods ; and if these causes are criminal, they judge in the last resort ; but in those that are purely civil, there lies an appeal from their sentence to the states general, by way of revision. The admiralty receives all the duties of importation and exportation, which the provinces have appropriated to the use of the navy ; and when a war lessens trade and augments the expence, the council of state demands an extraordinary supply from the states general for that service. In the same manner, when the states are resolved on the number of ships which the fleet is to consist of, the council dispatches its orders to the several admiralties, who accordingly fit out their respective quotas agreeable to the established proportion. The admiralty of Amsterdam furnishes one third, and the other four each a sixth part of the fleet. The ships are fitted out for the sea, and provided with all warlike and naval stores by the admiralties, but the charge of victualing lies on the captain, for which the provinces allow seven pence per diem for each private man, and about ten pence for each officer ; and at the end of the voyage the admiralty of the province takes off the remaining provisions at the price they cost the captain. The high admiral, and in his absence the vice or lieutenant admiral, as he is called in Holland, has his seat, and presides in all the courts of admiralty. The principal officers of the fleet, the admirals, vice-admirals, and rear-admirals, are nominated by the states general ; and even the private captains are chosen by them likewise, upon a double nomination of the admiralties, who have only the power

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to dispose of lieutenantancies and other subaltern employments.

R E L I G I O N

A N D

Methods of Ecclesiastical Government

ESTABLISHED IN THE

UNITED PROVINCES.

SIR William Temple, in his Remarks on the United Provinces, says, that possibly religion may do more good in other countries, but that it did least hurt in Holland. Sir William, indeed, does not speak in the character of a divine, but merely as a politician, and as such I conceive his remark will amount to no less than this, that he thought the methods of ecclesiastical government, established in the united provinces, were better calculated for the secular interest and happiness of the people than those of any other state. The great difference between the church government of Holland and that of other countries, consists in a general toleration of sects. At the union of Utrecht the states general declared, that the reformed religion, or if you please Calvinism, should be the established and public religion of the united provinces, providing very expressly, however, that no person should be molested or persecuted in any degree on account of his religion, if in other respects he behaved as a good subject, and was obedient to the laws. But this indulgence for sectaries has drawn many a bitter sarcasm on the Dutch, who have

often been charged from thence with having no religion at all. At Geneva, which was so long the residence of Calvin, liberty of conscience is not permitted. Witness Servetus, who was there condemned and burned for heresy, in a manner that does very little honour either to Calvin or the Genevois his cotemporaries. The same temper prevails in the canton of Bearn; witness their expulsion of the anabaptists: but in Holland the spirit of persecution seems to be extinct, or asleep at least; and unless it were once, in the time of Prince Maurice and Barneveldt, when religion was indeed a cloak to party and interest, there can be no instance given of any person's suffering for his faith in matters of doctrine, or his adherence to certain exterior modes of worship. I must express my own approbation of this general lenity for dissenters.—I leave it to divines to shew its conformity to the rules of the gospel; but that it is very consistent with secular happiness, the domestic peace and tranquillity of the united provinces, is an illustrious proof which it is impossible to controvert. Indeed one must be very little acquainted with mankind, not to be convinced of this; for in the intercourse and commerce of the world the question is not, what religion a man is of, but whether he is honest; and therefore Sir William Temple had great reason to wonder that people should be so straight-laced in matters of faith, about which mankind in general never were of the same mind, and so easy as to moral virtues, the truth and excellency of which nobody contests.

If I might define the established religion of the united provinces, I should call it a moderate Calvinism.—The regents of the country must be of this religion, and the churches are devoted to the exercise of it. The Arminians are a powerful sect

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in Holland, both for their number and quality ; differing from the Calvinists only upon the doctrines of grace and absolute predestination ; and it was once a moot point which persuasion should predominate ; but the decrees of the synod of Dort, and the fate of Barneveldt, put an end to all competition between the two parties ; and ever since the death of Prince Frederick Henry, who thought fit, for reasons of state, to countenance the Arminians, their sect has continued on the decline.

The Anabaptists make another division of the people, and since the expulsion of their brethren out of the canton of Bearn, they are become very numerous. The Quakers have their assemblies in Holland likewise ; and in general the Socinians, Brownists, and all other sects that have prevailed in Christendom, are to be found in the united provinces. The Jews are extremely numerous in the province of Holland, especially in Amsterdam, where their synagogue is an ornament to the city ; and in 1725 they had begun to erect very handsome buildings for the same purpose, both at Rotterdam and the Hague.

There are very great numbers of Roman Catholics in the united provinces, notwithstanding their religion, as Sir William Temple observes, is not immediately protected by the laws of the republic. The same author has assigned the reason of this, which is, that the states believe the Roman Catholic religion must make men bad subjects, whilst it teaches them to acknowledge a foreign power superior to that under which they live : and accordingly they have made several penal laws to prevent the growth of it. But as each province has reserved to herself the liberty of regulating religion within her own jurisdiction, these penal laws of the states general have never been put in execution. In Holland, especially, neither prudence nor policy would permit

permit them to exclude so large a body as the Roman Catholics out of the general toleration ; and accordingly they are very numerous in the great towns of that province, where the magistrates give them an equal protection with other dissenters. At Amsterdam they have not fewer than twenty-four chapels. — There are great numbers of the same communion in Rotterdam, and several other cities ; but they are most numerous in the villages, insomuch that a miller, smith, or any other mechanic, being a Protestant, is sure to be a beggar if he settles in the country ; for the priests never fail to enjoin their whole communion to neglect him. This perhaps may seem strange to the English reader, who considers Holland as a reformed country, and a principal bulwark of the Protestant religion ; but I speak upon good grounds, and amongst many proofs which I might bring of the truth of what I advance, I chuse to instance the remonstrance made to the states general in 1725, by the deputies of the general synod, who represented the growth of popery in the most pathetic terms, and affirmed that since the year 1650 the number of Roman Catholics in the seven provinces was increased three hundred and fifty thousand, of which they had authentic proofs. This is plain evidence both of their great numbers, and the assiduity of the priests in their profession ; for considering how many of both sexes the monasteries and nunneries take off, who engage in vows of celibacy and virginity, and that great numbers actually leave the united provinces yearly upon these accounts, to settle in the religious houses of the adjacent countries, it will be difficult to account for so large an augmentation without the help of new conversions. As necessary however as it may seem to restrain the growth of popery, it would be difficult, if not impossible, to effect it without some degree of persecution ;

secution; and therefore the states will act in it with the utmost caution. But were they less delicate, in vain are penal laws whilst the city and village schouts remain the overseers and prosecutors of criminal affairs; for these will ever dispense with the practices of the priests for a sum of money, which they are always in a condition to furnish upon such an occasion.

The church of the united provinces is governed by a presbytery, where every ecclesiastical member is equal to another. The business of particular congregations is regulated in their respective consistories, composed of ministers, elders and deacons of the congregation. But the more important affairs of the church, all that regards the state of religion in general, censures and degradations, is managed in synods, which are both provincial and general. These assemble twice a year, and notify to the states the time of their meeting, upon which they depute a member of their own body to the synod, with the title of *commissarius politicus*, who is always a person conspicuous for his learning and abilities. He harangues the synod, congratulating them upon their meeting with the marks of harmony and unanimity, and presides in the assembly as a sort of moderator. The presence of one so qualified in behalf of the sovereign has a wonderful good effect on a body of men, who might otherwise be apt enough to shake hands with the respect they owe their superiors, and extend their care to matters entirely out of their sphere. This the states appear to be extremely sensible of, and provide accordingly. Every three years the general synod sends a deputation to the states general, to represent the state of religion in the united provinces, and desire the reform of such abuses as their own authority does not extend to: after which the same deputation goes on to the university of Leyden, where

where they demand to see the authentic pieces of the Bible, that are in the keeping of that academy.

Each city pays her own ministers out of the public revenues; for the states, when they assumed the church and abbey lands, settled no funds for the maintainance of the clergy, whose salaries are now very much upon an equality, and are generally about one hundred and fifty, and from thence to one hundred and eighty pounds sterling per ann.

I cannot end this section more properly, nor give better evidence to some things I have advanced, than by inserting the answer of the states general, as entered in their registers, to a memorial presented to them in 1725, from the republic of Venice, on occasion of a dispute that arose between the Jesuits and the Jansenists, concerning the election of a titular archbishop of Utrecht. Happy, if I may do no injustice, by my translation, to the elegant pen of Monsieur Fagel.

The matter being taken into consideration, it was resolved,

“ To acquaint the most serene Republic of Venice, that their high mightinesses will always have the highest esteem for her; that her intercession is of so great a force with their high mightinesses, that they would with pleasure give her a proof of it on this occasion, but that they cannot do it without derogating from the fundamental and inviolable maxims of their republic. Which are, that in matters of religion and ecclesiastical discipline men ought only to be governed by their profession, without any the least constraint or violence; that every one is free to believe in point of religion that which he judges most proper to obtain the salvation of his soul, of which he will be obliged to render an account

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“ to God, according to the lights he has received.
 “ That their high mightinesses judging thereli-
 “ gion which they profess to be the best, and the
 “ most conformable to the will of God, of any that
 “ has been revealed to mankind, they could wish
 “ that all their subjects would conform to it; but
 “ that, according to their fundamental maxims,
 “ they do not pretend to force any one on this ac-
 “ count; but, on the contrary, they will leave to
 “ all men the liberty of professing that religion
 “ which they believe in their consciences to be the
 “ best, provided, at the same time, they behave
 “ themselves as good and faithful subjects, and do
 “ not undertake any thing, either by word or action,
 “ that may wound the authority of the govern-
 “ ment; be a prejudice to civil society, good man-
 “ ners, the public peace, or private property.

“ That, in conformity to this way of thinking,
 “ their high mightinesses have and do still tolerate
 “ even the Roman Catholics, as well as other
 “ sectaries in their dominions, without concerning
 “ themselves with their particular opinions, in re-
 “ lation to the different degrees of authority, which
 “ either one side or the other attribute to him,
 “ whom they equally own their teacher, so long
 “ as the public peace is not hurt. And that thus
 “ their high mightinesses not having hitherto taken
 “ cognizance of what may have passed with respect
 “ to the election and consecration of a pretended
 “ archbishop of Utrecht, who they are informed
 “ is since dead, they do not pretend to judge whe-
 “ ther the thing passed according to order or not.
 “ That the opinions of their Roman Catholic sub-
 “ jects being divided upon this point, their high
 “ mightinesses cannot make use of their own power,
 “ nor permit the interposition of any foreign au-
 “ thority to oblige either side to abandon their

“ sentiments, or persuade any person to submit
 “ himself with a blind obedience to him whom
 “ they call the Sovereign Pastor ; but are, on the
 “ contrary, obliged to support equally both the one
 “ part and the other against all oppression and per-
 “ secution.

“ That the most serene doge of the republic of
 “ Venice will please to consider, in his great wis-
 “ dom, that their high mightinesses can never per-
 “ mit the court of Rome to exercise an absolute
 “ power in their dominions, which would even go
 “ farther than is practised in several kingdoms and
 “ countries where the Roman Catholic religion is
 “ established by law ; and extend to deprive the
 “ ancient secular clergy of those rights and privi-
 “ leges which they have enjoyed time out of mind,
 “ in favour of foreign missionaries. Which, when
 “ the most serene republic, in her great equity,
 “ shall have considered, their high mightinesses
 “ hope that she will employ her good offices to
 “ obviate all violent proceedings, and terminate
 “ the present disputes by methods of lenity and
 “ moderation. That such a mediation being con-
 “ formable to justice and prudence, will be very
 “ agreeable to their high mightinesses, who, on
 “ their part, will preserve the high esteem, and
 “ continue to entertain the good and sincere friend-
 “ ship they have always had for the most serene
 “ republic, than which they will have nothing
 “ more at heart.”

OFFICES

OFFICES OF STADTHOLDER.

WHEN the EARL of LEICESTR came into the United Provinces, the STATES GENERAL invested him with the supreme command of their forces, both by sea and land, as well as with an absolute authority for the direction and management of all affairs that related to the navy. Besides this, they entrusted him with the administration and direction of their civil policy, and courts of justice, to be by him administered as the preceding governors of the low countries had lawfully done, especially in the time of Charles V.

The oath which PRINCE MAURICE took at his entrance into this employment, was conceived in the following terms. ' I promise and swear to the
' CONFEDERATE STATES of the LOW COUNTRIES,
' in the defence of the reformed religion, and name-
' ly to the high and low nobility, and to the magi-
' strates of the towns of Holland, and Westfrizeland,
' who represent the states of those nations, to be to
' them, faithful and obedient, and that I will obey,
' and will so provide, that the officers of the army,
' the captains, and others who are subject to our
' command, do obey the laws and ordinances of the
' confederate states in general, and particularly those
' of Holland.'

It appears from hence, that the Stadtholder was under a double obligation, first to obey the states general in such things as respected the war, and the common interests of the confederacy; and secondly, to obey more particularly the States of Holland, composed of the nobility, with the magistrates of the towns, and also to take care that others should obey them. In his instructions, it was

Amongst other things stipulated that he should defend, maintain and extend the right of the public authority, the *laws* and the *common prosperity*. The *soldiers* took a parallel oath to the *states*, and obeyed *Prince Maurice* in all that regarded the war.

The *STADTHOLDER*, in other respects, had no power either to levy or discharge the *troops*. This was left entirely to the *states*, who indeed consulted their *general*, but were in no degree obliged to follow his counsel, or defer to his advice; nor had he any power over the payment of the forces. They likewise reserved it to themselves, to put *governors* into their *frontier towns*; but other *officers* were chosen by the *Stadtholder*, from a double nomination of the *states*. During the campaign indeed, the *general* filled up all posts that became vacant, but he could neither take the *field*, form a *camp*, besiege an *enemy's town*, make an *inroad* into his *country*, or undertake any thing of great importance, without the consent and express order of the *states general*. When he had formed any design, which ought not to be made public, he told the *states general*, he had something to undertake which was for the good of the *state*, without entering into particulars, lest the design by being discovered might become impracticable. He described only in general terms, the advantages that might be derived from it, and named in gross, the *expence* that it was necessary to provide for; desiring the *assembly* to assign him two or three persons, to whom he might make a more particular discovery. These were granted him; and afterwards those *deputies* made their report to the *assembly*, without entering however into the particulars of the *enterprize*, and when the *states* gave their consent, the *general* prepared himself to depart, leaving it to them to provide

vide all that was necessary for the undertaking.— When he took leave, they assigned him three or four *deputies to represent the state, and be his councilors in the army.* In other respects the *stadtholder* modelled the *council of war* at his pleasure, and was master of the *military discipline.* The *states* gave their *general* for his military salary, *ten thousand florins per month,* to which were added *forty thousand* for the extraordinary expences of the *campaign*; besides upwards of *ten thousand more* for the entertainment of *spies and other secret services, for which he was not accountable.* Since the time of PRINCE MAURICE, and his brother FREDERIC HENRY, there have been *two* STADTHOLDERS in the *United Provinces*; the PRINCES of ORANGE were at the head of *five provinces,* and the COUNTS of NASSAU, governed those of *Frizeland and Groninghen*; but the supreme command of the *army* belonged to the *Princes of Orange.*

The authority of the *Stadtholder,* in his *civil* capacity, was much superior to that of *general,* and of far greater consequence to the *state.* He was CHIEF of the *courts of justice,* insomuch that his *name* was borne at the head of all orders and sentences; GRAND MASTER of the *forests*; supreme CURATOR of the *university of Leyden,* and without him they could make no law *there.*

Upon any extraordinary occasion, the STADTHOLDER appeared in the assembly of the *states general,* where *he had a right to make propositions for the public good*; and it was usual to inform him before hand, what subject was to be debated upon, both in this and the *provincial assemblies.*

He was likewise, the arbitrator of all disputes that arose between the *provinces,* by virtue of an article in the UNION of UTRECHT, which lodges that right in the *governors of Provinces.* He had
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the power of *pardon*ing criminals *condemned* to die; and what is still of greater importance, he had a right of *choosing* the *magistrates* of cities, upon a double nomination of their respective *senates*; with exception to the town of AMSTERDAM, where he only chose the *sheriff*, and the election of the *burgomasters*, remained as it is at present, in the hands of the *senate*.

The PRINCES of ORANGE had considerable possessions in the *United Provinces*, which still augmented their authority as *Stadtholders*; but they were no where so powerful as in ZEALAND, where of *seven suffrages* which then composed the *states*, they were absolute masters of three; the first, in quality of *premier noble* of the *provinces*; and the other two as *Marquisses* of TERVEER and FLUSHING.



F I N I S.

